

ORDINANCE NO. 11-2016

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING PART II ENTITLED GENERAL LEGISLATION OF THE CODE OF THE TOWNSHIP WITH THE INCLUSION OF A NEW CHAPTER 220, TO BE ENTITLED "RETAIL BUSINESS ESTABLISHMENTS HOURS OF OPERATION"

WHEREAS, unprotected and understaffed business and commercial enterprises are prey to the criminal element in our society during the late night and early morning hours; and

WHEREAS, the operation of business and commercial enterprises that are located near residential properties can have a detrimental and disruptive effect upon the quality of life of area residents; and

WHEREAS, the Township of Hanover is a suburban community with relatively few overnight commercial establishments to which the public is invited; and

WHEREAS, the regulation of the opening and closing hours of all business and commercial establishments to which the public is invited and the provision of certain security devices will promote the protection of employees, patrons and law enforcement officers, promote the quality of life of the Township's residents and help to preserve the suburban character of the community; and

WHEREAS, due to the high volume of traffic and related activity on State Highway Route 10, the Township of Hanover desires to limit business and commercial establishments that operate during overnight hours along State Highway Route 10 as an accommodation to the traveling public.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hanover in the County of Morris in the State of New Jersey, as follows:

Section 1. There is hereby created a new Chapter 220 under Part II of the General Legislation of the Code of the Township of Hanover entitled "Retail Business Establishments Hours of Operation", to read as follows:

CHAPTER 220

Retail Business Establishments Hours of Operation

§220-1. Purpose and scope.

A. Purpose.

The purpose of this Chapter is to regulate the opening and closing hours of retail business and commercial establishments to which the public is invited and to

require security measures for establishments that operate during late night or early morning hours. It has been determined by the Township of Hanover that:

- (1) unprotected and understaffed business and commercial enterprises are prey to the criminal element in our society during the late night and early morning hours; and
- (2) certain security devices must be provided in order to protect the general public, patrons, employees and law enforcement personnel; and
- (3) retail business and commercial establishments open during late evening or early morning hours impose detrimental and disruptive effects upon the quality of life of area residents.

B. Scope; exclusions.

- (1) This Chapter shall apply to all business and commercial establishments operating within the Township of Hanover to which the public is invited, unless excluded by this Chapter or by other applicable law.
- (2) In case of any conflict between the provisions of this Chapter and the provisions of any other Chapter of the Code of the Township of Hanover, the provisions of this Chapter shall supersede.
- (3) The provisions and requirements of this Chapter shall not apply to the following:
 - (a) the operation of any business or commercial establishment to which the public is invited between the hours of 12:00 a.m. and 5:00 a.m., when such operation and hours were approved by the Township Committee, Township Planning Board, Township Board of Adjustment, Site Plan Exemption Committee or Township Building Department prior to the effective date of this Chapter; and
 - (b) hotels and motels;
 - (c) pharmacies, but limited to the hours that the pharmacy is open for dispensing of medicine and medications to the general public;
 - (d) automated teller machines accessory to a bank;
 - (e) any business or commercial establishment located on property having frontage on Route 10; and
 - (f) any business or commercial establishment permitted to carry on a business or commercial activity under the laws of the United States, the State of New Jersey or other municipal ordinance not inconsistent with the provisions of this Chapter.

§220-2. Closing hours; personnel and security requirements.

- A. No business or commercial establishment to which the general public is invited shall be open for business between the hours of 12:00 a.m. and 5:00 a.m. prevailing time, unless permitted by this chapter.
- B. Any business or commercial establishment to which the general public is invited between the hours of 12:00 a.m. and 5:00 a.m. shall comply with the following:
 - (1) There shall be at least two employees on continuous duty in that part of the business or commercial establishment to which the public is invited.
 - (2) The business or commercial establishment shall employ a security officer, or the premises shall have in operation a security device approved by the Chief of Police of the Township which may consist of a silent and/or audible burglar alarm connected to a central security monitoring system designed to activate police response, a closed circuit television connected to a central security monitoring system designed to activate police response, or such other device which can be activated instantaneously to notify law enforcement officers that a crime or disorderly person's activity is in progress.
 - (3) A burglarproof drop safe that regulates a clerk's access to cash shall be used on the premises.
 - (4) The exterior portion of the business or commercial establishment, including parking areas, shall be well lit during business hours. Said lighting shall be designed so as to not unduly interfere with any neighbor's reasonable use and/or enjoyment of the property.

§220-3. Registration of certification of compliance.

A business or commercial establishment to which the general public is invited that chooses to operate during the hours of 12:00 a.m. and 5:00 a.m. shall file a Certification of Compliance with the Township Clerk of the Township of Hanover. The following provisions shall apply:

- A. Each Certification shall state that the business or commercial establishment is and will remain in compliance with §220-2.B. hereof and that all security equipment provided in conformance with §220-2.B. is and will remain in proper working order.
- B. The Certification of Compliance shall be filed at least 45 days prior to the desired date upon which such operation is to begin.
- C. Prior to the start of such operation, the equipment must be approved as to proper working order by the Chief of Police, Township of Hanover, or his designee.
- D. Approval of such operation shall expire at 11:59 p.m. on December 31 of the same calendar year for which the approval was granted, unless renewed in accordance with this section.

E. Renewal of any prior approval shall require the filing of a new certification. Filing and review of such certification shall follow the same procedures as set forth in Subsections A through D above.

§220-4. Inspection.

The Chief of Police or his/her designee may make periodic inspections of a business or commercial establishment which operates between the hours of 12:00 a.m. and 6:00 a.m. to ensure that the establishment is in compliance with this Chapter.

§220-5. Violations and penalties.

Any person(s) who shall violate any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding \$1,000. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

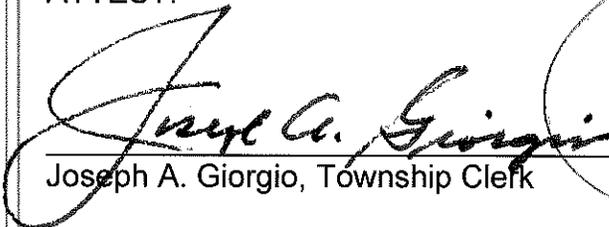
Section 2. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other Section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

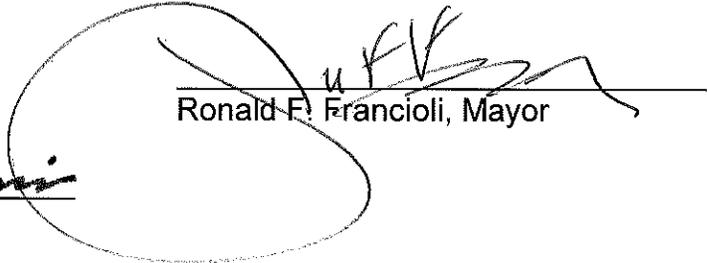
Section 3. All Ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 4. This Ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:


Joseph A. Giorgio, Township Clerk


Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: February 25, 2016
DATE OF ADOPTION: March 24, 2016